

REMARKS

Entry of the foregoing amendments and consideration of the following remarks is respectfully requested.

Claims 1-52 are pending.

Claims 1-18, 29-31 and 37-48 have been withdrawn by Examiner as non-elected claims. Claims 1-18 and 37-48 have been canceled without prejudice. Applicants retain the right to prosecute subject matter of canceled claims in another application.

Applicants acknowledge with appreciation the rejoining of claims 35 and 36.

Claims 19-28 and 49-52 are allowed.

Claims 35 and 36 have been amended to include the step of isolating the protein. Claim 32 has been amended per Examiner's kind suggestion and is now drawn to isolated host cells. Support for the amended claims is found throughout the specification as originally filed.

New claims 53-68 have been added. Claim 53 is drawn to a composition comprising the infectious alphavirus particles produced from packaging the RNA produced from expression of the recombinant DNA construct where the vector is the VEE replicon vector as in allowed claims 24-28. Support for the new claim is found throughout the specification and claims as originally filed, for example, on pages 6 and 7 of the specification and original claim 30. Claims 54-68 are drawn to an isolated host cell transformed with recombinant DNA of allowed claims 24-28. Support for the new claims is found throughout the specification and claims as originally filed.

Entry and consideration of the amended claims and the new claims are respectfully requested.

Claims 32, 34-36 and new claims 53-68 are under examination.

Claims 35 and 36 stand rejected under 35 U.S.C. §112, second paragraph as allegedly incomplete. The claims have been amended and are now complete.

Withdrawal of the rejection is respectfully requested.

Claims 32 and 34 stand rejected under 35 U.S.C. 101 as allegedly directed toward non-statutory subject matter. Claim 33 stands objected to as being dependent upon rejected claim 32. Claim 32 has been amended per Examiner's suggestion. Withdrawal of the rejection and the objection is respectfully requested.


The claims as amended are believed to be free of objections and rejections and are believed to be allowable. Per a telephonic conversation with Examiner Parker on March 18, 2008, it was agreed that claims 29, 30 and new claim 53 would be rejoined. Applicants also kindly request rejoining of new claims 54-68 as the subject matter of the new claims covers elected subject matter. The new claims are believed to be allowable since the recombinant DNA used to transform the host cells is allowable.

In re Application of Grogan et al.
Serial no. 10/066,506

This application is believed to be in condition for allowance and a Notice to that effect is respectfully requested. Should there be any remaining issues after examination, Applicants would appreciate the opportunity to discuss these issues with Examiner at telephone number 301-294-9171.

Respectfully submitted,

By


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